

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter I of the Patent Cooperation Treaty)

(PCT Rule 44bis)

Applicant's or agent's file reference 2096 PCT	FOR FURTHER ACTION See item 4 below	
International application No. PCT/US2004/033133	International filing date (<i>day/month/year</i>) 06 October 2004 (06.10.2004)	Priority date (<i>day/month/year</i>) 06 October 2003 (06.10.2003)
International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237		
Applicant PADILLA, Ronald, G.		

<p>1. This international preliminary report on patentability (Chapter I) is issued by the International Bureau on behalf of the International Searching Authority under Rule 44 bis.1(a).</p> <p>2. This REPORT consists of a total of 5 sheets, including this cover sheet.</p> <p>In the attached sheets, any reference to the written opinion of the International Searching Authority should be read as a reference to the international preliminary report on patentability (Chapter I) instead.</p>																
<p>3. This report contains indications relating to the following items:</p> <table> <tr> <td><input checked="" type="checkbox"/> Box No. I</td> <td>Basis of the report</td> </tr> <tr> <td><input type="checkbox"/> Box No. II</td> <td>Priority</td> </tr> <tr> <td><input type="checkbox"/> Box No. III</td> <td>Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</td> </tr> <tr> <td><input type="checkbox"/> Box No. IV</td> <td>Lack of unity of invention</td> </tr> <tr> <td><input checked="" type="checkbox"/> Box No. V</td> <td>Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</td> </tr> <tr> <td><input type="checkbox"/> Box No. VI</td> <td>Certain documents cited</td> </tr> <tr> <td><input type="checkbox"/> Box No. VII</td> <td>Certain defects in the international application</td> </tr> <tr> <td><input type="checkbox"/> Box No. VIII</td> <td>Certain observations on the international application</td> </tr> </table> <p>4. The International Bureau will communicate this report to designated Offices in accordance with Rules 44bis.3(c) and 93bis.1 but not, except where the applicant makes an express request under Article 23(2), before the expiration of 30 months from the priority date (Rule 44bis .2).</p>	<input checked="" type="checkbox"/> Box No. I	Basis of the report	<input type="checkbox"/> Box No. II	Priority	<input type="checkbox"/> Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability	<input type="checkbox"/> Box No. IV	Lack of unity of invention	<input checked="" type="checkbox"/> Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement	<input type="checkbox"/> Box No. VI	Certain documents cited	<input type="checkbox"/> Box No. VII	Certain defects in the international application	<input type="checkbox"/> Box No. VIII	Certain observations on the international application
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<p>The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland</p> <p>Facsimile No. +41 22 740 14 35</p>	<p>Date of issuance of this report 10 April 2006 (10.04.2006)</p>
	<p>Authorized officer Yolaine Cussac</p> <p>Telephone No. +41 22 338 70 80</p>

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

REC'D 11 MAR 2005

PCT PCT

To:
TIMOTHY J. MARTIN
TIMOTHY J. MARTIN, P.C.
9250 W. 5TH AVENUE, SUITE 200
LAKEWOOD, CO 80226

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

Date of mailing
(day/month/year) 09 MAR 2005FOR FURTHER ACTION
See paragraph 2 below

Applicant's or agent's file reference

2096 PCT

International application No.

International filing date (day/month/year)

Priority date (day/month/year)

PCT/US04/33133

06 October 2004 (06.10.2004)

06 October 2003 (06.10.2003)

International Patent Classification (IPC) or both national classification and IPC

IPC(7): A63F 7/07, 67/14 and US Cl.: 273/108, 108.52, 309, 108.54

Applicant

PADILLA, RONALD G.

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/ US

Mail Stop PCT, Attn: ISA/US
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Facsimile No. (703) 305-3230

Form PCT/ISA/237 (cover sheet) (January 2004)

Authorized officer

Sebastiano Passaniti

Telephone No. 703-308-1148

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.

PCT/US04/33133

Box No. I Basis of this opinion

1. With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

☐ This opinion has been established on the basis of a translation from the original language into the following language _____, which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).

2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:

a. type of material

☐ a sequence listing

☐ table(s) related to the sequence listing

b. format of material

☐ in written format

☐ in computer readable form

c. time of filing/furnishing

☐ contained in international application as filed.

☐ filed together with the international application in computer readable form.

☐ furnished subsequently to this Authority for the purposes of search.

3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

4. Additional comments:

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/US04/33133

Box No. V Reasoned statement under Rule 43 bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims <u>1-31, 33-36, 38, 39</u>	YES
	Claims <u>32, 37</u>	NO
Inventive step (IS)	Claims <u>1-31</u>	YES
	Claims <u>32-39</u>	NO
Industrial applicability (IA)	Claims <u>1-39</u>	YES
	Claims <u>NONE</u>	NO

2. Citations and explanations:
Please See Continuation Sheet

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/US04/33133

Supplemental Box

In case the space in any of the preceding boxes is not sufficient.

V. 2. Citations and Explanations:

Claims 1-31 meet the criteria set out in PCT Article 33(2)-(3), because the prior art does not teach or fairly suggest the combination of elongated legs, side panels positioning elements and floor panel arrangement, whereby the side and end panels operatively engage the legs in a slideable manner whereby a play area is defined in an assembled state.

Claims 32 and 37 lack novelty under PCT Article 33(2) as being anticipated by Brankovic. See Figure 4 and col. 1, line 50 through col. 2, line 52, whereby Brankovic is detailed as having cooperative panel sections with cut-outs to define openings and a plurality of rod assemblies received within the openings.

Claims 33-36, 38 and 39 lack an inventive step under PCT Article 33(3) as being obvious over Furr in view of Brankovic.

As to claim 33, see Figures 2 and 5.

As to claims 34 and 39, note the rod assemblies in Figures 1A and 3 corresponding to those commonly associated with table soccer.

As to claim 35, see goal opening (35).

As to claim 36, note ball-collecting trough (25).

As to claims 32, 37 and 38, Furr lacks panel section shaving cut-outs and distinct second side panels for a second game. Brankovic shows it to be old in the art to use panels assembled to surround a play area and including side panel cut-outs to facilitate the insertion of playing rods therethrough. From a manufacturing point of view and to facilitate replacement of a broken playing rod, the skilled artisan would have found it obvious to modify the Furr device by using side panels with cut-outs as advanced by Brankovic, said modification being an alternative to the assembly arrangement to what is shown in Figure 9 of Brankovic. Having multiple side panels, absent specific distinguishing structure would not appear to define over the details of the side panels in Furr.

Claims 1-39 meet the criteria set out in PCT Article 33(4), and thus claims 1-39 have industrial applicability because the subject matter claimed can be made or used in industry.